

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 04 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LLEWELLYN K. LUCEI,

Defendant - Appellant.

No. 07-30383

D.C. No. CR-03-02184-RHW

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of Washington  
Robert H. Whaley, District Judge, Presiding

Submitted August 26, 2008\*\*

Before: SCHROEDER, KLEINFELD, and IKUTA, Circuit Judges.

Llewellyn K. Lucei appeals from the 24-month sentence imposed upon  
revocation of supervised release. We have jurisdiction pursuant to 28 U.S.C

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. See Fed. R. App. P. 34(a)(2).

§ 1291, and we affirm.

Lucei contends that, at sentencing, the district court erred by failing to calculate and articulate the Guidelines range on the record. We conclude that Lucei has not established that any error affected his substantial rights. *See United States v. Dallman*, 533 F.3d 755, 761-62 (9th Cir. 2008).

Lucei also contends that the district court erred by failing to provide sufficient reasons for the sentence imposed. We disagree. *See Rita v. United States*, 127 S. Ct. 2456, 2468-69 (2007); *United States v. Carty*, 520 F.3d 984, 995-96 (9th Cir. 2008) (en banc).

Finally, Lucei contends that his sentence is unreasonable in light of the factors set forth in 18 U.S.C. §§ 3553(a) and 3583(e). We conclude that Lucei's sentence is reasonable. *See Gall v. United States*, 128 S. Ct. 586, 600-02 (2007); *United States v. Simtob*, 485 F.3d 1058, 1062-64 (9th Cir. 2007).

**AFFIRMED.**